

# **EXHIBIT 1**

**Proposed Amended Allegations as Trip.com Group Limited,  
Trip.com Travel Singapore PTE. LTD., Skyscanner LTD.,  
and Makemytrip, Inc.**

T1. The following allegations (XX to XX) are made upon information and belief, as well as information from publicly available sources.

**Trip.com Group Ltd. and Trip.Com Travel Singapore Pte. Ltd. (“Trip.com”)**

T2. In 2017, Ctrip.com International Ltd., the second largest online travel agency in the world, was looking to expand into the United States and purchased California company Gogobot, Inc. who at the time owned and operated the brand and website, trip.com. In 2019, Ctrip.com International Ltd. rebranded itself as “Trip.com.” Ctrip.com International Ltd. created two primary “trip.com” companies; one to head its online travel agency conglomerate of multiple leading brands, Trip.com Group Ltd., and another to operate the trip.com domain, Trip.com Travel Singapore Pte. Ltd.

T3. Trip.com Group Ltd. is a Cayman Island corporation, with its principal place of business listed at 968 Jin Zhong Road, Shanghai, China 200335. Trip.com Group Limited offers American Depositary Shares, allowing US investors to trade its foreign stock. These shares are listed on the Nasdaq National Market under the symbol “TCOM.” Trip.com Travel Singapore Pte. Ltd., a Singapore corporation and a wholly owned subsidiary of Trip.com Group Ltd., has its principal place of business at 1 Harbourfront Avenue, Keppel Bay Tower, Singapore 098632. As of December 31, 2024, neither Trip.com Group Ltd. nor Trip.com Travel Singapore Pte. Ltd. maintained a principal place of business in any U.S. state.

T4. Trip.com Group Ltd. maintains a U.S. workforce of, as of April 9, 2025, over two hundred employees, which includes its Global Head of Customer Experience/Quality Assurance. Their website solicits U.S.-based workers to join the Trip.com Group Ltd. at their U.S. facilities. On January 13, 2025, as part of its ongoing efforts to expand within the United States, Trip.com

Group Ltd. announced the opening of a new office in Los Angeles, California. Trip.com Group Ltd. additionally operates a U.S. customer service address in New York, 261 Madison Avenue, Suite 10088 New York, New York, 10016, and a domestic phone number, +1 (833) 896-0077. Trip.com Travel Singapore Pte. Ltd. also employs staff in the U.S., and posts job listings on its website for positions in U.S. states, such as Florida and Michigan.

T5. Trip.com Group Ltd. and Trip.com Travel Singapore Ltd. (hereinafter collectively “Trip.com”) through its brands, affiliates, subsidiaries, partnerships and many domains, facilitates hotel and other travel bookings to more than 400 million members, making it one of the leading online travel agencies in the world. Trip.com forms strategic partnerships with tourism bureaus, major hotel chains, airlines, train operators, and local travel providers worldwide. In 2024, Trip.com had over 1.7 million global accommodation listings, flights from over 600 airlines, and a network of over 90,000 ecosystem partners, including group tours, attractions, and car rental providers.

T6. Trip.com owns and operates a portfolio of travel brands across different markets. Their flagship international platform, trip.com, operates in 24 languages and 35 currencies. Trip.com’s previous flagship brand, Ctrip, remains a major online travel agency, employing over 30,000 people in 117 locations worldwide. Trip.com also owns Skyscanner Ltd. and Qunar, two established travel metasearch engines. Additionally, Trip.com Group Ltd. has strategic partnerships with MakeMyTrip, an online travel agency.

T7. Trip.com offers a U.S.-localized website, <https://us.trip.com/> that is identified by an American flag icon to indicate prices are in U.S. dollars. Internet users both within and without the U.S. book travel arrangements through trip.com to destinations around the world. Trip.com operates all trip.com domains and sub-domains, including trip.com, us.trip.com, and

group.trip.com. U.S. consumers also book travel arrangements through trip.com mobile applications that Trip.com makes available for download on Apple and Android devices.

T8. Trip.com maintains web services through an advanced transaction and service platform that includes its mobile apps, internet websites, and customer service centers. In 2024, Trip.com Group also rolled out AI-powered TripGenie, which delivers travel search and booking results from both Trip.com and other online travel agencies, allowing users to utilize comprehensive itinerary planning and receive effective in-trip alerts and services.

T9. Trip.com's website and app run on Trip.com Group's unified infrastructure. Through its "advanced transaction platform," Trip.com Group's brands access the same pool of travel products (hotels, flights, etc.), with content localized for different markets. For example, customers of Trip.com's brands benefit from the 1.7 million hotels and 600+ airlines that Trip.com contracts worldwide. As MakeMyTrip's SEC filings note, it "procured air tickets and hotel room nights of \$3.5 million, \$55.5 million, and \$113.6 million as an agent from subsidiaries of Trip.com that operate as travel product aggregators in fiscal years 2022, 2023 and 2024 respectively." The brands also share support functions (supplier networks, R&D, and customer service centers) to maximize efficiency.

### **Infringement Allegations Against Trip.com**

T10. Trip.com has directly infringed Wave's copyrights by committing separate acts violating three exclusive rights protected under 17 U.S.C. § 106—display, distribution, and reproduction of copyrighted works.

T11. Trip.com, through its wholly owned subsidiaries and affiliated brands, has caused the public display of Wave's copyrighted photographs on commercial websites, mobile applications, and marketing platforms operated by entities such as Trip.com, Skyscanner, Ctrip, Travix, and

MakeMyTrip. These displays were viewable by members of the public in the United States, including through U.S.-targeted domains (e.g., us.trip.com) and mobile applications configured for the U.S. market.

T12. Trip.com has distributed Wave's works to the public through its integrated content syndication system and use of U.S.-based content delivery networks (CDNs), including Akamai and Amazon Web Services (AWS). Trip.com's platform caused copyrighted image files to be transmitted over the internet and delivered to end-user devices located in the United States.

T13. Trip.com also caused unauthorized copies of Wave's works to be made in the United States by triggering downloads of image files via CDNs that cache content on users' local devices. For example, a U.S. visitor to us.trip.com requesting a webpage including Wave's copyrighted image file received a version of the image served from an Akamai edge server located in the U.S., which generated a new, locally stored reproduction of the image in the browser cache.

T14. Trip.com is vicariously liable for the infringing conduct of its subsidiaries and strategic affiliates as the corporate parent and operational integrator of platforms including Trip.com, Ctrip, Skyscanner, Qunar, Travix, Travelfusion, and MakeMyTrip. Trip.com maintains centralized image repositories, content ingestion pipelines, and global delivery systems (e.g., via Akamai and AWS) that distribute infringing materials at scale. Trip.com also exercises supervisory authority over the imagery used across its brands, including by setting group-wide content policy, technical integration standards, and metadata formatting protocols. Trip.com has knowingly permitted such infringement to continue despite the ability to monitor, control, and suppress it across all brands. This includes strategic control over MakeMyTrip, where Trip.com Group has secured five board seats, veto rights over material decisions, and a formal content and

inventory sharing partnership, through which infringing photographs are disseminated in both directions across platforms. Trip.com also reaps direct financial benefit from the unauthorized use of photographs, which are used to drive consumer engagement, clickthrough rates, and booking conversions across the Group's network of travel services.

T15. Trip.com contributorily infringes by facilitating, enabling, and materially contributing to the infringing acts of its subsidiaries and strategic partners. It approves the global content delivery architecture—including Akamai edge servers and AWS CloudFront nodes—through which infringing images are formatted, cached, and served to U.S. users. Trip.com also provides shared image libraries, metadata indexing, and domain-level routing systems that direct U.S.-based users to infringing content from common sources, and allows strategic affiliates like Qunar and MakeMyTrip to ingest, display, and rehost images from Group-managed systems, including hotels, destinations, and marketing imagery supplied through direct technical integrations (e.g., via Travelfusion or shared back-end platforms). Trip.com does so with knowledge or willful blindness to the fact that these photographs are unauthorized reproductions of Wave's copyrighted works.

T16. Trip.com's contributory liability is further supported by the technical integration and synchronization among its brands. For instance, MakeMyTrip and Trip.com entered a strategic investment and technology partnership that includes content syndication and booking engine integration. These arrangements provide channels through which infringing materials are transferred and redeployed by affiliated platforms—conduct encouraged, enabled, and materially supported by Trip.com.

T17. Trip.com willfully infringes Plaintiff's copyrighted images, uniquely identified to date as andaman006, andaman026, andaman046, andaman059, andaman063, carcosa006, carcosa007,

carcosa008, carcosa010, carcosa012, carcosa019, carcosa022, chediclub008, chediclub059, chediclub074, chediclub117, Chiangmai096, Chiangmai160, Chiangmai226, Chiangmai227, datai006, datai020, datai096, datai104, lalu003, lalu004, lalu010, lalu016, lalu018, lalu020, lalu023, lalu027, lalu030, lalu039, lalu043, lalu047, lalu048, lalu051, lalu072, lalu073, lalu076, lalu077, lalu078, lalu079, lalu083, lalu085, lalu086, lalu087, lalu090, lalu135, lalu139, lalu141, lalu142, lalu143, lalu144, lalu145, lalu146, lalu150, lalu151, lalu154, lalu158, leela002, leela011, mendocino021, mendocino038, mendocino096, mendocino099, mendocino100, mendocino101, mendocino102, mendocino105, mendocino109, mendocino113, mendocino114, mendocino115, mendocino116, mendocino118, mendocino119, mendocino120, mendocino121, mendocino122, mendocino123, mendocino127, mendocino128, mendocino129, mendocino139, mendocino140, mendocino141, mendocino142, mendocino143, mendocino144, mendocino145, mendocino146, muscat140, muscat220, namhai072, namhai077, namhai097, namhai127, namhai157, namhai183, namhai189, namhai196, namhai213, namhai255, namhai265, saujana003, saujana005, setai004, setai007, setai083, setai104, setai1095, setai128, setai129, setai182, setai258, setai261, setai265, setai266, setai269, setai270, setai308, setai315, setai327, setai340, setai342, setai344, setai346, setai364, setai369, setai374, setai376, setai394, setai404, setai642, setai738, and setai868; such violative acts are ongoing beginning on April 29, 2020, additional acts accruing on at least May 2, 2023. Plaintiff was and continues to be harmed by these infringements, which persist to this day.

### **Skyscanner Ltd.**

T18. Skyscanner Ltd. (“Skyscanner”) is a wholly owned subsidiary of Skyscanner Holdings Limited, a U.K. company. Skyscanner Holdings Limited is a partially-owned subsidiary of Trip.com International. Trip.com International is a wholly owned subsidiary of Trip.com Group

Limited. Skyscanner is incorporated in the United Kingdom with its headquarters in Edinburgh, Scotland. Skyscanner is fully integrated into Trip.com's corporate governance structure, where its leadership reports into Trip.com's management. After acquisition, Trip.com installed its own executives to oversee Skyscanner's growth within the group.

T19. Skyscanner operates a facility in the United States, located at 777 Brickell Avenue, Miami, Florida, that was first announced in 2013. On its website, Skyscanner posts listings targeted to U.S.-based workers for positions with the company at its Miami office.

T20. Skyscanner is a global travel metasearch engine that operates in 36 languages. Skyscanner enables its users to compare prices for flights, hotels, and car rentals from over 1,200 partners worldwide. Skyscanner serves more than 100 million users monthly across its website and mobile applications. Skyscanner's extensive user engagement in the U.S. enables it to conduct studies on its observations of U.S. travellers.

T21. Skyscanner owns the registration for and operates the domain skyscanner.com. Skyscanner itself, or through affiliated entities, provides content to skyscanner.com and related content delivery networks, mobile apps, mobile sites, other websites, and other properties not known to Wave. Skyscanner has and continues to maintain U.S. web presence via its website and through mobile presence on U.S.-based mobile application stores.

T22. Users accessing the site from the U.S. are encouraged to book travel arrangements via the U.S. version of Skyscanner's site to destinations around the world. The website's regional settings prompt U.S. users to customize their experience by selecting their language, country, and currency preferences, providing a tailored experience to U.S. users as "[s]electing the country you're in will give you local deals and information." Further, Skyscanner identifies its website targeted to users in the U.S. with an American flag icon.



**Allegations of Infringement Against Skyscanner Ltd.**

T23. Skyscanner has directly infringed Wave’s copyrights by committing separate acts violating three exclusive rights protected under 17 U.S.C. § 106.

T24. Skyscanner has directly infringed Wave’s exclusive right to publicly display its copyrighted photographs under 17 U.S.C. § 106(5). Skyscanner’s travel metasearch platform (www.skyscanner.com) displays Wave’s copyrighted images in connection with hotel listings, destination pages, and accommodation comparison results. These displays occur as part of its U.S.-facing consumer interface, which is available in English, priced in U.S. dollars, and actively marketed to U.S.-based users. The infringing images are displayed prominently alongside hotel descriptions and booking links in a commercial context designed to convert user interest into bookings—either directly or through referrals to downstream partners.

T25. Skyscanner directly infringes by distributing copies of Wave’s works to users located in the United States via Amazon Web Services (AWS) infrastructure, specifically through its integration with CloudFront, AWS’s global content delivery network. When a U.S.-based user accesses a hotel listing that includes one of Wave’s copyrighted images, that image file is transmitted to the user over the internet from AWS edge servers located in the United States, and delivered to and cached on U.S.-based user devices. Image requests to CloudFront edge servers return 200 OK or 304 Not Modified HTTP responses, indicating that a copy of the copyrighted images have been successfully stored locally in the browser cache.

T26. Skyscanner willfully infringes Plaintiff’s copyrighted images, uniquely identified to date as andaman026, andaman046, andaman063, chediclub003, chediclub007, chediclub008, chediclub010, chediclub011, chediclub021, chediclub022, chediclub031, chediclub059, chediclub072, chediclub074, chediclub099, chediclub107, chediclub117, chediclub141,

chiangmai043, chiangmai044, chiangmai114, chiangmai127, chiangmai160, chiangmai189, chiangmai194, chiangmai216, chiangmai232, datai006, datai020, datai022, datai096, datai104, lalu003, lalu004, lalu010, lalu013, lalu016, lalu020, lalu039, lalu043, lalu047, lalu048, lalu051, lalu072, lalu073, lalu074, lalu076, lalu077, lalu079, lalu080, lalu083, lalu085, lalu086, lalu090, lalu139, lalu141, lalu142, lalu143, lalu144, lalu145, lalu146, lalu147, lalu150, lalu151, lalu158, leela001, leela002, leela008, leela009, leela011, leela012, leela018, leela020, leela021, leela022, leela024, leela026, leela053, leela093, leela096, leela098, leela129, leela130, leela132, leela133, leela135, leela139, leela143, leela144, leela152, leela155, leela158, legian066, legian105, legian107, legian121, legianclub006, muscat001, muscat041, muscat068, muscat140, muscat156, muscat184, muscat185, muscat200, muscat220, setai004, setai104, setai1095, setai129, setai258, setai261, setai394, setai642, setai738, and setai868; such violative acts are ongoing beginning on May 3, 2020, additional acts accruing on at least May 2, 2023. Plaintiff was and continues to be harmed by these infringements, which persist to this day.

### **MakeMyTrip, Inc.**

T27. MakeMyTrip, Inc. (“MakeMyTrip”) is a Delaware corporation located at 60 East 42nd Street, Suite 605, New York, New York, 10165. MakeMyTrip, Inc. is a wholly owned subsidiary of MakeMyTrip Limited, which is a publicly-traded Mauritius company. MakeMyTrip India Pvt. Ltd. is a partially-owned subsidiary of MakeMyTrip Limited. MakeMyTrip Limited is partially owned by Trip.com Group Limited. Trip.com engaged in a share swap to obtain a 49% stake in MakeMyTrip in exchange for control positions on the MakeMyTrip board of directors.

T28. MakeMyTrip is an online travel agency launched in the U.S. market in 2000 that provides a wide range of travel services, including flight and train ticket bookings, hotel reservations, holiday packages, and bus tickets. The platform caters primarily to domestic and international

travelers, and operates through its website and mobile app, including ‘makemytrip’ domains such as makemytrip.com, and makemytrip.global, offering features like price comparisons, customer reviews, and travel deals. MakeMyTrip also owns other travel brands such as Goibibo (www.goibibo.com), HotelTravel (hoteltravel.com), and redBus, which specialize in budget travel, bus ticketing, and accommodation bookings. The company has expanded its services to include homestays, car rentals, and curated travel experiences.

T29. MakeMyTrip shares executives with its largest shareholder Trip.com, including Executive the Co-Chairman and Director of MakeMyTrip who is also Chairman of the Board of Trip.com, and Trip.com’s nominee to MakeMyTrip’s Board of Directors, who is also Trip.com CEO. As MakeMyTrip’s Schedule 13D SEC records provide, “a majority of Independent Directors must be appointed from a pool of candidates approved of by Deep Kalra, Rajesh Magow and a majority of the Ctrip nominee directors.” MakeMyTrip’s SEC filings note that Trip.com’s 49% stake and Investor Rights Agreement afford it substantial influence:

Trip.com has the ability to exercise significant influence over our company and certain aspects of our affairs and business, including the election of directors, the timing and payment of dividends, the adoption and amendments to our Constitution, the approval of a merger or sale of substantially all our assets and the approval of most other actions requiring the approval of our shareholders. As a result of its ownership of our Class B Shares, Trip.com is entitled to nominate five directors to our board of directors (one of whom shall be a resident of Mauritius). So long as Trip.com beneficially owns 10% or more of our issued and outstanding voting securities (subject to adjustment for any share split, share dividend, recapitalization, reclassification or similar transaction in respect of any such ordinary shares), it will be entitled to nominate a number of directors to our board of directors in proportion to its beneficial ownership in our company.

Trip.com has five board seats on MakeMyTrip’s board, and certain major decisions require Trip.com’s consent, effectively giving Trip.com veto power on critical issues.

T30. MakeMyTrip and Trip.com collaborate on content. For example, MakeMyTrip sources global travel inventory via Trip.com’s network, and its filings explicitly list Trip.com and its

subsidiaries among major GDS/content suppliers for international flights and hotels, such that a MakeMyTrip customer booking a hotel or flight may actually be served through Trip.com's system.

**Infringement Allegations Against MakeMyTrip, Inc.**

T31. MakeMyTrip has directly infringed Wave's copyrights by committing separate acts violating three exclusive rights protected under 17 U.S.C. § 106.

T32. MakeMyTrip publicly displays Wave's copyrighted photographs across its suite of consumer platforms, including makemytrip.com, goibibo.com, and redbus.in. These sites and apps provide U.S. users hotel, travel, and attraction listings that incorporate the unlicensed copyrighted works.

T33. MakeMyTrip distributes the copyrighted works, without authorization, through its booking engine and content delivery systems, which are populated in part by image content sourced from Trip.com under a strategic commercial alliance. MakeMyTrip ingests photographic content supplied via Trip.com Group's centralized image repositories and content delivery systems, and deploys that infringing content through its own CDN infrastructure, including mmtcdn.com. Through this integration, MakeMyTrip formats, embeds, and serves infringing works to U.S.-based users, knowingly facilitating the reproduction, distribution, and public display of Wave's copyrighted materials. It does so with knowledge of the content's source, and in active cooperation with Trip.com Group, with whom it shares both technical infrastructure and a jointly managed supply network. MakeMyTrip's systems are configured to deliver infringing content to users globally, including through U.S.-based edge nodes, materially contributing to infringement occurring within the United States.

T34. MakeMyTrip knowingly induced, caused or materially contributed to infringement by ingesting infringing imagery from Trip.com's infrastructure and reproducing and deploying it on its own platforms, including Goibibo. It has full knowledge of the commercial relationship through which that content is sourced and materially enables its display to U.S.-based users.

T35. MakeMyTrip willfully infringes Plaintiff's copyrighted images, uniquely identified to date as lal016, lal018, lal027, lal039, lal043, lal047, lal072, lal073, lal076, lal077, lal085, lal086, lal087, lal090, lal135, lal141, lal142, lal144, lal146, lal150, lal151, lal158, leela020, leela023, leela024, leela098, leela129, leela152, and muscat220; such violative acts are ongoing beginning on May 1, 2020, additional acts accruing on at least May 2, 2023. Plaintiff was and continues to be harmed by these infringements, which persist to this day.